

REMARKS

New claims 114-135 are provided. Support for the new claims is provided by exemplary embodiments of the invention disclosed in the originally-filed application at, for example, pages 10-16.

Claims 39, 40, 54, 55, 60-62, 65, 66, 100-108 and 111 are rejected under 35 U.S.C. 102(b) as being anticipated by Ebinuma et al., (2001/0039126). Claims 73, and 74 are rejected under 35 U.S.C. 102(b) as being anticipated by Schuster (US 6,417,974). Claims 41-49, 51, 52, 56, 59, 71, 72 and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebinuma and Schuster, (US 6,417,974). Claim 50 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ebinuma, Schuster and Brunotte et al. (WO 2002/093257). Claim 53 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ebinuma, Schuster and Moran et al. (5,516,388). Claims 63-64 and 67-70 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ebinuma and Bruning et al. (5,488,514). Claims 79 and 80 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster and Shibazaki (2001/0038500). Claims 110 and 112 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ebinuma and Nishikawa (2003/0076602). Claim 113 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ebinuma and Gaber et al (6,388,823).

Regarding the anticipation rejection against independent claim 39 based on Ebinuma, the claim is amended to recite "*wherein the holding*

device seals the objective from a fluid entering the objective.” Support for the amendment language is provided by exemplary embodiments of the invention disclosed in the originally-filed application which are located at, for example, page 11, second paragraph. Ebinuma fails to teach a holding device **that seals an objective** from a fluid. Consequently, amended claim 39 overcomes the anticipation rejection.

Moreover, since Ebinuma and the art of record are not dealing with fluids entering an objective, *there is no reasonable combination of art* that can be provided to establish a reasonable teaching of the positively recited limitations of amended claim 39. Accordingly, a reasonable obviousness rejection cannot be provided against claim 39 based on the art of record. Independent claim 39 is allowable.

Claims 40-72, 100-103, 114-117 and 123-135 depend from allowable independent claim 39, and therefore, the dependent claims are at least allowable for depending from an allowable independent claim. In addition, the dependent claims are allowable for reasons that are distinct to the allowability of independent claim 39.

Regarding the anticipation rejection against independent claim 73 based on Schuster, the claim is amended to recite “*a seal positioned between the optical element and the reinforcing element, the seal comprising a coefficient of thermal expansion **that corresponds substantially to the coefficient of thermal expansion of the reinforcing element.**” Support for the amendment language is provided by exemplary*

embodiments of the invention disclosed in the originally-filed application which are located at, for example, first paragraph of page 13. Schuster fails to teach a “seal” as positively claimed by independent claim 73, and therefore, amended claim 73 overcomes the anticipation rejection.

Moreover, Ebinuma fails to teach a “seal” as positively claimed by independent claim 73. In fact, the Office states Ebinuma does not teach a reinforcing element having the same material as a seal (page 22, second paragraph of the Office Action, paper no. 20101214). Still further, the Office relies on Nishikawa’s teaching to a metallic part 25 and diaphragms 67A-67D as representing a reinforcing element and a seal (see page 22, third paragraph of the Office Action, paper no. 20101214). However, Nishikawa teaches that diaphragms 67A-67D are located in hole 68A-68D in metallic part 25 (see paragraphs [0219]-[0220] and Fig. 7 of Nishikawa), and not between an optical element and a reinforcing element. Therefore, Nishikawa could not possibly teach the “seal positioned between the optical element and the reinforcing element” as positively recited in independent claim 73. Consequently, no reasonable combination of the art of record teaches “a seal positioned between the optical element and the reinforcing element, the seal comprising a coefficient of thermal expansion that corresponds substantially to the coefficient of thermal expansion of the reinforcing element.” Independent claim 73 is allowable.

Claims 74-85 and 118-120 depend from allowable independent claim 73, and therefore, the dependent claims are at least allowable for depending

from an allowable independent claim. In addition, the dependent claims are allowable for reasons that are distinct to the allowability of independent claim 73.

Regarding the anticipation rejection against independent claim 104 based on Ebinuma, the claim is amended to recite “a contact surface [of the reinforcing element] in contact with a surface portion of the optical element, the contact surface comprising a geometric configuration that corresponds substantially to a geometric configuration of the surface portion of the optical element.” While the specification of Ebinuma fails to teach a geometric configuration for a reinforcing element or optical element, Fig. 7 (of Ebinuma) shows the greatest configuration detail of the optical element 5 and the supporting member 51. Fig. 7 clearly illustrates that the geometric configurations of the optical element **does not** correspond substantially to a geometric configuration of the reinforcing element as positively recited by independent claim 104. Consequently, independent claim 104 is allowable.

Claims 105-107 and 121-122 depend from allowable independent claim 104, and therefore, the dependent claims are at least allowable for depending from an allowable independent claim. In addition, the dependent claims are allowable for reasons that are distinct to the allowability of independent claim 104.

Regarding the anticipation rejection against independent claim 108 based on Ebinuma, the claim recites “a connecting device between the

reinforcing element and the optical element; **and** a seal or gasket between the reinforcing element and the optical element.” That is, the claim recites to two structures, a connecting device and a seal. To allegedly teach each of the two structures, the Office first relies on an adhesive of a first embodiment of Ebinuma (page 7, last paragraph to page 8, first paragraph), and secondly, relies on an adhesive of a second embodiment of Ebinuma (page 8, second paragraph). However, since both embodiments have a single adhesive connecting two substantially same structures, combining the two embodiments of Ebinuma would only teach a single adhesive between two similar structures. Accordingly, the alleged teachings provided by the Office does not teach the **two** positively recited structures of independent claim 108, that is, a connecting device and a seal. Independent claim 108 is allowable.

Claims 109-110 depend from allowable independent claim 108, and therefore, the dependent claims are at least allowable for depending from an allowable independent claim. In addition, the dependent claims are allowable for reasons that are distinct to the allowability of independent claim 108.

Regarding the anticipation rejection against independent claim 111 based on Ebinuma, the claim recites “*a seal or gasket between the mount and the reinforcing element.*” The Office relies on elastic members 12 and 22 to allegedly teach the seal or gasket (page 8, second to last paragraph of Office Action, paper no. 20101214). However, the elastic members 12 and

22 clearly cannot reasonably be stated to be seals between *a mount and reinforcing element* as recited because the elastic members shown in Figs. 1-2 and 6-9 of Ebinuma have openings extending between respective structures. That is, the elastic members do not seal any structure and are simply elastic members as defined by their description/name. Accordingly, the Office points to teachings of Ebinuma that **do not teach** the positively recited limitations of independent claim 111. Consequently, independent claim 111 is allowable.


Claims 112-113 depend from allowable independent claim 111, and therefore, the dependent claims are at least allowable for depending from an allowable independent claim. In addition, the dependent claims are allowable for reasons that are distinct to the allowability of independent claim 111.

This application is now believed to be in immediate condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

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By: _____


D. Brent Kenady
Reg. No. 40,045